

LAW OFFICES
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EZRA SUTTON*
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ANTHONY M. MORANO*

*N.J. AND N.Y. BARS
**N.J. BAR AND N.Y. FEDERAL BARS

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October 21, 2010

By Mail & ECF

Ms. Donna DeAngelis
United States District Court
Martin Luther King, Jr. Federal Building
50 Walnut Street
Newark, New Jersey 07101

RE: SAKAR 6.0-006
Horng Technical Enterprise, Co., Ltd. v. Sakar International, Inc.
Civil Action No.: 06-cv-816

Dear Ms. DeAngelis:

Thank you for confirming that you have received Sakar's \$1,500 Bond.

Please note that this supplements the Bond for \$250,000 that Sakar filed on September 3, 2010 as Docket No. 151. To support this, we are enclosing the following documents:

- 1) Electronic Court Notice documenting the filing of Docket No. 151 on September 3, 2010;
- 2) The Appeal Bond for \$250,000 that was filed as Docket No. 151, which is 6 pages; and
- 3) Our letter of September 3, 2010 sent by Federal Express to Judge Chesler enclosing the **original** Appeal Bond. Therefore, Judge Chesler may still have the original Bond for \$250,000.

Respectfully submitted,


EZRA SUTTON, Esq.

cc: Honorable Judge Chesler
Lawrence Hersh, Esq.
Bruce Wagner, Esq.

Ezra Sutton

From: njdefiling@njd.uscourts.gov
Sent: Friday, September 03, 2010 2:27 PM
To: ecfhelp@njd.uscourts.gov
Subject: Activity in Case 2:06-cv-00816-SRC-MAS HORNG TECHNICAL ENTERPRISE CO., LTD. v. SAKAR INTERNATIONAL, INC. et al Appendix in Support of Motion

This is an automatic e-mail message generated by the CM/ECF system. Please **DO NOT RESPOND** to this e-mail because the mail box is unattended.

*****NOTE TO PUBLIC ACCESS USERS***** Judicial Conference of the United States policy permits attorneys of record and parties in a case (including pro se litigants) to receive one free electronic copy of all documents filed electronically, if receipt is required by law or directed by the filer. PACER access fees apply to all other users. To avoid later charges, download a copy of each document during this first viewing. However, if the referenced document is a transcript, the free copy and 30 page limit do not apply.

U.S. District Court

District of New Jersey [LIVE]

Notice of Electronic Filing

The following transaction was entered by SUTTON, EZRA on 9/3/2010 at 2:26 PM EDT and filed on 9/3/2010

Case Name: HORNG TECHNICAL ENTERPRISE CO., LTD. v. SAKAR INTERNATIONAL, INC.
et al
Case Number: 2:06-cv-00816-SRC-MAS
Filer: SAKAR INTERNATIONAL, INC.
WARNING: CASE CLOSED on 06/04/2010
Document
Number: 151

Docket Text:

APPENDIX in Support re [148] MOTION to Stay re [145] Order on Motion for Settlement, Sakar's Notice of Motion for a Stay Pending Appeal Exhibit 2 Granted Supersedeas Bond to Sakar's Memorandum in Support of its Motion to Stay filed by SAKAR INTERNATIONAL, INC.. (SUTTON, EZRA)

2:06-cv-00816-SRC-MAS Notice has been electronically mailed to:

EZRA SUTTON esutton@ezrasutton.com

LAWRENCE C. HERSH lh@hershlegal.com, hersh222@yahoo.com

2:06-cv-00816-SRC-MAS Notice will not be electronically mailed to::

The following document(s) are associated with this transaction:

Document description:Main Document

Original filename:n/a

Electronic document Stamp:

[STAMP dcecfStamp_ID=1046708974 [Date=9/3/2010] [FileNumber=4448717-0]
[a8999d07ce2ee2cdc79b38bae135dc184bbe3a2dd309523a34dd988df6f1ac2fa26d
68b9aa1b7036f2ae24a08bba1af87fbd084030c1e3b79c758b7509f8090]]

Responses and Replies

2:06-cv-00816-SRC-MAS HORNG TECHNICAL ENTERPRISE CO., LTD. v. SAKAR INTERNATIONAL, INC. et al **CASE CLOSED on 06/04/2010**
APPEAL, PRETRL, RULE16, SCHEDO, STAYED

U.S. District Court

District of New Jersey [LIVE]

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2:06-cv-00816-SRC-MAS Notice has been electronically mailed to:

EZRA SUTTON esutton@ezrasutton.com

LAWRENCE C. HERSH lh@hershlegal.com, hersh222@yahoo.com

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Original filename:n/a

Electronic document Stamp:

[STAMP dcecfStamp_ID=1046708974 [Date=9/3/2010] [FileNumber=4448717-0]
[a8999d07ce2ee2cdc79b38bae135dc184bbe3a2dd309523a34dd988df6f1ac2fa26d
68b9aa1b7036f2ae24a08bba1af87fbdb084030c1e3b79c758b7509f8090]]

APPEAL BOND

Bond No. CGB761805400

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF New Jersey

KNOW ALL by these presents, that Sakar International, Inc. as Principal and Fidelity and Deposit Company of Maryland, a Maryland corporation, as Surety, are held and firmly bound unto Horng Technical Enterprise Co., Inc. in the amount of Two Hundred Fifty Thousand (\$250,000.00***) Dollars for payment of which, well and truly to be made, we bind ourselves, our successors and assigns jointly and firmly by these presents.

WHEREAS the said Sakar International, Inc. has petitioned the United States Court of Appeals for the Third Circuit for an appeal to said Court of an action previously decided in the United States District Court, wherein the said Sakar International, Inc. is defendant, and being numbered Civil Action No. 06-816(SRC) on the docket thereof.

NOW THEREFORE, the condition of the obligation is such that if the said Sakar International, Inc. shall pay all cost, disbursements and judgments incurred by reason of the said appeal proceeding, then this obligation shall be null and void and released, otherwise it shall remain in full force and effect, provided however, the maximum liability of the Surety shall not exceed the sum of Two Hundred Fifty Thousand (\$250,000.00***) Dollars.

IN WITNESS WHEREOF, Sakar International, Inc., as Principal and Fidelity and Deposit Company of Maryland, a corporation, as surety, have hereunto set our hands this 31st day of August, 2010.

Principal: Sakar International, Inc.

By: 

Surety: Fidelity and Deposit Company of Maryland

By: 

Matthew Wilkoff, Attorney-in-Fact

Individual Acknowledgment

State of _____

County of _____

On the _____ day of _____, 20____, before me personally appeared _____

to me known and known to me to be the person described in and who executed the foregoing instrument and _____ he _____ thereupon acknowledged to me that _____ he _____ executed the same.

Notary Public

Partnership/L.L.C. Acknowledgment

State of _____

County of _____

On the _____ day of _____, 20____, before me personally appeared _____

to me known and known to me to be one of the firm of _____
described in and who executed the foregoing instrument and _____ he _____ thereupon acknowledged
to me that _____ he _____ executed the same as and for the act and deed of said firm.

Notary Public

Corporate Acknowledgment

State of NEW JERSEY

County of MIDDLESEX

On the 2ND day of SEPTEMBER, 2010, before me personally appeared _____

X [Signature] CHARLES SAKA

to me known, who being by me duly sworn, did depose and say that _____ he _____ is the _____
PRESIDENT of the _____

the corporation described in and which executed the foregoing instrument; that _____ he _____ knows
the seal of said corporation; that the seal affixed to said instrument is such corporate seal; that it was so
affixed by order of the board of directors of said corporation; and that _____ he _____ signed his/her
name thereto by like order.

Notary Public

[Signature]
MA JOSEFINA B. ENRIQUEZ
NOTARY PUBLIC OF NEW JERSEY
I.D. # 2378575
Commission Expires 10/1/2013

ACKNOWLEDGEMENT OF SURETY COMPANY

State of New York

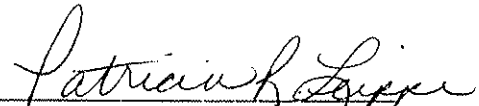
County of Nassau

} ss.

Bond Number: CGB7C1805400

On 8/31/2010, before me personally came Matthew Wilkoff to me known, who, being by me duly sworn, did depose and say; that he resides in Mineola, NY; that he is the Attorney-in-Fact of the Fidelity and Deposit Company of Maryland the corporation described in which executed the above instrument; that he knows the seal of said corporation; that the seal affixed to said instrument is such corporate seal; that it was so affixed by the Board of Directors of said corporation; and that he signed his name thereto by like order.

PATRICIA R. LEIPPE
NOTARY PUBLIC, State of New York
No. 01LE6008254
Certificate Filed in Nassau County
Commission Expires June 8, 2014


Notary Public

Power of Attorney
FIDELITY AND DEPOSIT COMPANY OF MARYLAND

KNOW ALL MEN BY THESE PRESENTS: That the FIDELITY AND DEPOSIT COMPANY OF MARYLAND, a corporation of the State of Maryland, by WILLIAM J. MILLS, Vice President, and GREGORY E. MURRAY, Assistant Secretary, in pursuance of authority granted by Article VI, Section 2, of the By-Laws of said Company, which are set forth on the reverse side hereof and are hereby certified to be in full force and effect on the date hereof, does hereby nominate, constitute and appoint **Gerald J. WILKOFF and Matthew WILKOFF, both of Minnetonka, New York**, EACH its true and lawful agent and Attorney-in-Fact, to make, execute, seal and deliver, for, and on its behalf as surety, and as its act and deed: **any and all bonds and undertakings**, and the execution of such bonds or undertakings in pursuance of these presents, shall be as binding upon said Company, as fully and amply, to all intents and purposes, as if they had been duly executed and acknowledged by the regularly elected officers of the Company, at its office in Baltimore, Md., in their own proper persons.

The said Assistant Secretary does hereby certify that the extract set forth on the reverse side hereof is a true copy of Article VI, Section 2, of the By-Laws of said Company, and is now in force.

IN WITNESS WHEREOF, the said Vice-President and Assistant Secretary have hereunto subscribed their names and affixed the Corporate Seal of the said FIDELITY AND DEPOSIT COMPANY OF MARYLAND, this 16th day of February, A.D. 2005.

ATTEST:

FIDELITY AND DEPOSIT COMPANY OF MARYLAND



Gregory E. Murray

By:

William J. Mills

Gregory E. Murray Assistant Secretary

William J. Mills

Vice President

State of Maryland } ss:
 City of Baltimore }

On this 16th day of February, A.D. 2005, before the subscriber, a Notary Public of the State of Maryland, duly commissioned and qualified, came WILLIAM J. MILLS, Vice President, and GREGORY E. MURRAY, Assistant Secretary of the FIDELITY AND DEPOSIT COMPANY OF MARYLAND, to me personally known to be the individuals and officers described in and who executed the preceding instrument, and they each acknowledged the execution of the same, and being by me duly sworn, severally and each for himself depose and saith, that they are the said officers of the Company aforesaid, and that the seal affixed to the preceding instrument is the Corporate Seal of said Company, and that the said Corporate Seal and their signatures as such officers were duly affixed and subscribed to the said instrument by the authority and direction of the said Corporation.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my Official Seal the day and year first above written.



Maria D. Adamski

Maria D. Adamski

Notary Public

My Commission Expires: July 8, 2011

EXTRACT FROM BY-LAWS OF FIDELITY AND DEPOSIT COMPANY OF MARYLAND

"Article VI, Section 2. The Chairman of the Board, or the President, or any Executive Vice-President, or any of the Senior Vice-Presidents or Vice-Presidents specially authorized so to do by the Board of Directors or by the Executive Committee, shall have power, by and with the concurrence of the Secretary or any one of the Assistant Secretaries, to appoint Resident Vice-Presidents, Assistant Vice-Presidents and Attorneys-in-Fact as the business of the Company may require, or to authorize any person or persons to execute on behalf of the Company any bonds, undertaking, recognizances, stipulations, policies, contracts, agreements, deeds, and releases and assignments of judgements, decrees, mortgages and instruments in the nature of mortgages,...and to affix the seal of the Company thereto."

CERTIFICATE

I, the undersigned, Assistant Secretary of the FIDELITY AND DEPOSIT COMPANY OF MARYLAND, do hereby certify that the foregoing Power of Attorney is still in full force and effect on the date of this certificate; and I do further certify that the Vice-President who executed the said Power of Attorney was one of the additional Vice-Presidents specially authorized by the Board of Directors to appoint any Attorney-in-Fact as provided in Article VI, Section 2, of the By-Laws of the FIDELITY AND DEPOSIT COMPANY OF MARYLAND.

This Power of Attorney and Certificate may be signed by facsimile under and by authority of the following resolution of the Board of Directors of the FIDELITY AND DEPOSIT COMPANY OF MARYLAND at a meeting duly called and held on the 10th day of May, 1990.

RESOLVED: "That the facsimile or mechanically reproduced seal of the company and facsimile or mechanically reproduced signature of any Vice-President, Secretary, or Assistant Secretary of the Company, whether made heretofore or hereafter, wherever appearing upon a certified copy of any power of attorney issued by the Company, shall be valid and binding upon the Company with the same force and effect as though manually affixed."

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed the corporate seal of the said Company,

this 31st day of August, 2010.


Assistant Secretary

FIDELITY AND DEPOSIT COMPANY

OF MARYLAND

3910 KESWICK ROAD, BALTIMORE, MD 21211-2226

Statement of Financial Condition

As Of December 31, 2009

ASSETS

Bonds	\$ 156,584,995
Stocks	22,537,672
Cash and Short Term Investments	9,719,598
Reinsurance Recoverable	9,347,241
Other Accounts Receivable	51,052,264
TOTAL ADMITTED ASSETS	\$ 249,241,769

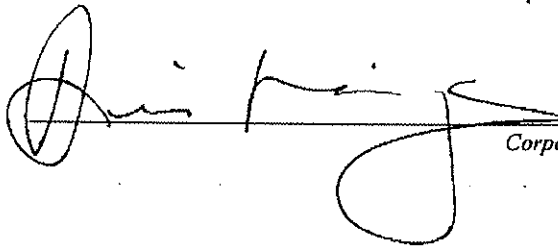
LIABILITIES, SURPLUS AND OTHER FUNDS

Reserve for Taxes and Expenses	\$ 76,835
Ceded Reinsurance Premiums Payable	58,237,612
Securities Lending Collateral Liability	5,511,875
TOTAL LIABILITIES	\$ 63,826,322
Capital Stock, Paid Up	\$ 5,000,000
Surplus	180,415,448
Surplus as regards Policyholders	185,415,447
TOTAL	\$ 249,241,769

Securities carried at \$38,385,957 in the above statement are deposited as required by law.

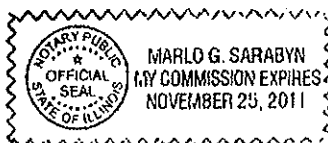
Securities carried on the basis prescribed by the National Association of Insurance Commissioners. On the basis of December 31, 2009 market quotations for all bonds and stocks owned, the Company's total admitted assets would be \$247,657,513 and surplus as regards policyholders \$186,999,703.

I, DENNIS F. KERRIGAN, Corporate Secretary of the FIDELITY AND DEPOSIT COMPANY OF MARYLAND, do hereby certify that the foregoing statement is a correct exhibit of the assets and liabilities of the said Company on the 31st day of December, 2009.


Corporate Secretary

State of Illinois }
City of Schaumburg } SS:

Subscribed and sworn to, before me, a Notary Public of the State of Illinois, in the City of Schaumburg, this 15th day of March, 2010.




Notary Public

LAW OFFICES
EZRA SUTTON, P. A.
A PROFESSIONAL CORPORATION
900 ROUTE 9
WOODBIDGE, NEW JERSEY 07095

EZRA SUTTON*
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ANTHONY M. MORANO*

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September 3, 2010

Via Federal Express

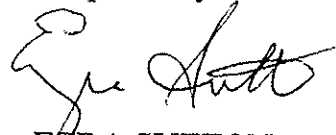
Judge Stanley R. Chesler, U.S.D.J.
United States District Court
U.S. Post Office and Courthouse Building
Room 217
Newark, New Jersey 07101-0999

RE: SAKAR 6.0-006
Horng Technical Enterprise, Co., Ltd. v. Sakar International, Inc.
Civil Action No.: 06-cv-00816

Dear Judge Chesler:

Enclosed is the **original** Appeal Bond in connection with Sakar's Motion to Stay filed on August 31, 2010. Also enclosed is a copy of the Notice showing that the Appeal Bond was electronically filed with the Court.

Respectfully submitted,



EZRA SUTTON

ES/mdp
Enclosures

cc: Lawrence Hersh, Esq. (by email)
Bruce Wagner, Esq. (by email)